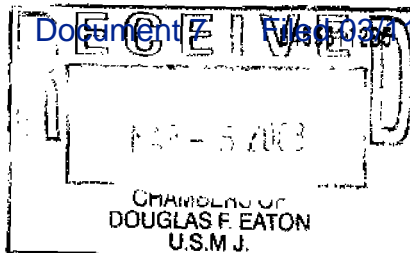


**DRAKE LOEB HELLER
KENNEDY GOGERTY
GABA & RODD PLLC**
ATTORNEYS AT LAW



500 HUDSON VALLEY ASSOCIATES, LLC
New Windsor, New York 12553

Phone: 845-561-0550
Fax: 845-561-1235
www.drakeloe.com

MEMO ENDORSED

March 4, 2008

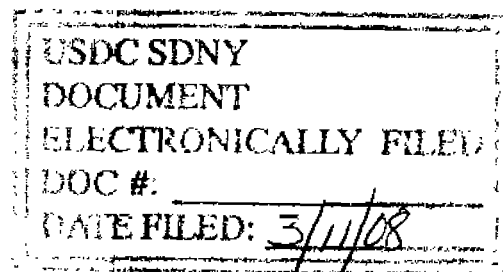
James R. Loeb
Richard J. Drake
Glen L. Heller
Maranna R. Kennedy
Gary J. Gogerty
Stephen J. Gaba
Adam L. Roda
Dominic Cordisco

Jeanne N. Tully
Timothy P. McElduff, Jr.
Jennifer E. Wright

ALL.M. in Tisamon

VIA FAX ONLY
FAX NO. (212) 805-6181
Hon. Douglas F. Eaton
U.S. Magistrate Judge
U.S. Courthouse
500 Pearl Street, Room 1360
New York, New York 10007

Re: Edward Kestler v. Astrue
Case No. 07 Civ. 6271 (DFE)
Our File No.: 10598 - 53190



Dear Judge Eaton:

I am the attorney for the plaintiff in the above-referenced action and write respectfully to submit a proposed briefing schedule. I have written to the Assistant U.S. Attorney, John E. Gura, Jr., on two occasions with this proposed briefing schedule for his review and consent. I have not received a response thereto, and I am proceeding under the theory that he has accepted same.

To that end, in order to move this case forward, I respectfully submit the following proposed briefing schedule for the Court's review.

Action	Due Date
Plaintiff's motion for judgment on the pleadings	April 1, 2008
Defendant's opposition and cross-motion for judgment on the pleadings	April 29, 2008
Plaintiff reply (if any)	May 13, 2008
Defendant's reply (if any)	May 27, 2008

Please advise of the court's acceptance of this schedule. Thank you for your courtesy and consideration in this matter.

3/10/08 - I approve this
briefing schedule.
Douglas F. Eaton

Respectfully submitted,

GARY J. GOGERTY

Writer's Direct
Phone: 845-458-7380
Fax: 845-458-7381
ggogerty@drakeloe.com

GIG/mjl/46495

Cc: John E. Gura, Esq. (via fax)

MEMO ENDORSED